

REMARKS

In view of the above amendment, Applicant believes the pending application is in condition for allowance. By this amendment claims 1, 12 and 44 are being amended. No claims are being added or canceled. Claims 1-44 are now pending, with claims 1, 12 and 44 being independent. No new matter has been added.

Independent claim 1 and dependent claims 2, 4, 7, and 36-43 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,007,853 to Lesser (hereinafter "Lesser") in view of U.S. Patent No. 6,602,410 to Tanner (hereinafter "Tanner") and U.S. Patent No. 6,645,537 to Sweeney et al. (hereinafter "Sweeney"). Dependent claims 3, 5, 6, and 9-11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Lesser in view of Sweeney and Tanner, and further in view of U.S. Patent No. 3,971,305 to Daswick (hereinafter "Daswick"). Independent claims 12 and 44 and dependent claims 13, 14, 17, 22-31, and 33 were rejected under 35 U.S.C. §103(a) as being unpatentable over Lesser in view of Tanner. Dependent claims 15, 16, 19-21, and 32 were rejected under 35 U.S.C. §103(a) as being unpatentable over Lesser in view of Tanner and further in view of Daswick.

The courtesies extended by Examiner Kim during the telephone interview of June 29, 2006 with Applicant's representatives, Eric L. Amundsen and Robert E. Hunt, are gratefully acknowledged. Independent claims 1, 12 and 44 were discussed, as well as the applied references of Lesser, Tanner and Sweeney. The substance of discussions during the interview are incorporated into the following remarks.

As stated in the Interview Summary mailed July 3, 2006, to overcome the Lesser reference, the Examiner suggested amending each of claims 1, 12 and 44 to recite that the filter element is directly joined at a peripheral juncture to the container side wall. Accordingly, each of independent claims 1, 12 and 44 has been amended such that each claim recites that the filter element is directly joined to the interior of a container side wall at a peripheral juncture. As discussed during the interview, the applied references do not teach or suggest directly joining a filter element at a peripheral juncture to the container side wall. In the Lesser device, joining a filter element to the

cup sidewall would make the Lesser device inoperable for its intended purpose. For example, Lesser describes removal of the filter from the cup, e.g., at column 10, lines 9-18. Joining the filter to the cup side wall would prevent its removal. Also, if the filter were directly joined to the cup interior side wall at a peripheral junction, the user would be force to drink the beverage from inside the filter, i.e., where the ground coffee or other medium is located. Accordingly, the rejections of claims 1, 12 and 44 are respectfully requested to be withdrawn.

Each of dependent claims 2-11 and 13-43 depend either directly or indirectly from claims 1 or 12, and the rejections of these claims are also respectfully requested to be withdrawn for at least the same reasons provided above.


CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the undersigned at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, any necessary extension of time is hereby requested. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

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Respectfully submitted,

By 
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